IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20991 OF 2005

Date: 18.10.2005

BETWEEN:

Bolishetty Suvarna

.... PETITIONER

And

1. The Sub-Collector, Asifabad, Adilabad District, and another.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 20991 OF 2005

ORDER:

The petitioner is in occupation of land admeasuring to an extent of Acs.2.15 in S.No.99 situated at Narayanpur village, Rebbena Mandal, Adilabad District. The second respondent initiated action under Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), and by order dated 1.3.2002 directed eviction of petitioner from the land. Aggrieved by the same, the petitioner filed a revision petition/appeal before the Joint Collector on 22.4.2002. While taking the said revision petition/appeal under Section 10(2) of

the Act, the Joint Collector by proceedings dated 9.5.2002 suspended the proceedings of the second respondent. The same is still in force. However, the first respondent herein issued the impugned Memo dated 21.7.2005 directing the Panchayat Secretary, Narayanpur to submit assignment proposals in favour of landless poor persons of the said village. Therefore, the petitioner invoked the jurisdiction of this Court.

This Court heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue, who after obtaining instructions from the respondents submits that the appeal/revision petition filed by the petitioner before the Joint Collector, Adilabad, is still pending and that the orders of eviction passed by the second respondent remain suspended. In that view of the matter, the impugned Memo, which proceeds on the ground as if the land is vacant, is without due application of mind and cannot be sustained. As seen from the impugned Memo, the Mandal Revenue Officer took the land in custody under Panchanama and entrusted the custody to Panchayat Secretary. Therefore, while ordering status quo as on today, the Joint Collector is directed to dispose of the appeal/revision petition filed by the petitioner within a period of three weeks from the date of receipt of a copy of this order. This order will meet the ends of justice.

The Writ Petition, with the above observations and direction, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

18th October, 2005

Note: C.C. in three days

B/o

Js.